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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kesselmans, et al.

Serial Number: 09/763,380

Filed: March 29, 2001

Examiner: White, Everett

Group Art Unit: 1623

Docket No.: 294-98 PCT/US

Date: October 1, 2002

For: OXIDATION OF STARCH

Assistant Commissioner for Patents
Washington, DC 20231

DECLARATION UNDER 37 C.F.R. §1.132

I, Ron Kesselmans, declare and say as follows:

1. I, am a co-inventor of U.S. Patent Application Serial Number 09/763,380 entitled "Oxidation of Starch;"

2. I am an expert in the filed of starch chemistry as evidenced by my holding a masters degree in Food Chemistry, and a Ph.D. in organic chemistry, as well as ten (10) years experience in the field of starch chemistry. I am an inventor on several pending patent applications and issued patents relating to starch chemistry, and I have lectured on the topic of starch chemistry;

3. I have read the office action mailed 26 June 2002 and the references cited therein;

4. With regards to (i) Whistler, *Oxidation of Amylopectin Starch With Hydrogen Peroxide at Different Hydrogen Ion Concentrations*, The Journal of American Chemical Society, Vol. 81, pp. 3136-3139, (1959); (ii) U.S. Patent No. 3,975,206 to Lotzgesell et al.; and (iii) U.S. Patent No. 3,539,366 to Ewing, a root or tuber starch having 95 wt.% of amylopectin was not known at the time these documents were published/filed;

5. The cultivation of root or tuber starches having 95 wt.% of amylopectin came to be known in 1987;

6. As an unexpected result of the present invention, it has been realized that, in comparison to the prior art, much less catalyst is needed to provide an oxidation process having a high reaction rate when a root or tuber starch having at least 95 wt.% of amylopectin based on the dry substance of the starch is used. Thus, one of ordinary skill in the art would not expect the efficiency of oxidation to be improved when a root or tuber starch having at least 95 wt.% of amylopectin based on the dry substance of the starch is used.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements made on information and belief are believed to be true; and further that all statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

2-10-2002

Date

Ron Kesselmans